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Security Council

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Resolution 2140 (2014)

Adopted by the Security Council at its 7119th meeting, on 26 February 2014

The Security Council,

Recalling its resolution 2014 (2011), 2051 (2012) and presidential statement of 15 February 2013,

Reaffirming its strong commitment to the unity, sovereignty, independence and territorial integrity of Yemen,

Commending the engagement of the Gulf Cooperation Council (GCC) in assisting the political transition in Yemen,

Welcoming the outcomes of the comprehensive National Dialogue Conference, signed by all political parties, and whose decisions provide a road map for a continued Yemeni led democratic transition underpinned by a commitment to democracy, good governance, rule of law, national reconciliation, and respect for the human rights and fundamental freedoms of all the people of Yemen,

Commending those who have facilitated the outcome of the comprehensive National Dialogue Conference through their constructive participation, in particular the leadership of President Abd Rabbo Mansour Hadi,

Expressing concern at the ongoing political, security, economic and humanitarian challenges in Yemen, including the ongoing violence,

Recalling the listing of Al-Qaida in the Arabian Peninsula (AQAP) and associated individuals on the Al-Qaida sanctions list established by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) and *stressing* in this regard the need for robust implementation of the measures in paragraph 1 of resolution 2083 as a significant tool in combating terrorist activity in Yemen,

Condemning all terrorist activities, attacks against civilians, oil, gas and electricity infrastructure and against the legitimate authorities, including those aimed at undermining the political process in Yemen,

Further condemning attacks against military and security facilities, in particular the attack on the Ministry of Defence on 5 December 2013 and the 13 February attack of the Ministry of Interior Prison, *stressing* the need for the

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Yemeni Government to efficiently continue reforms of the Armed Forces and in the security sector,

Reaffirming its resolution 2133 and *calling* upon all member states to prevent terrorists from benefiting directly or indirectly from ransom payments or from political concessions and to secure the safe release of hostages,

Noting the formidable economic, security and social challenges confronting Yemen, which have left many Yemenis in acute need of humanitarian assistance, *reaffirming* its support to the Yemeni government to safeguard security, promote social and economic development, and put forward political, economic, and security reforms, and welcoming the work of the Mutual Accountability Framework Executive Bureau, the World Bank, and the International Monetary Fund (IMF) in their support to the Government of Yemen on economic reform,

Stressing that the best solution to the situation in Yemen is through a peaceful, inclusive, orderly and Yemeni-led political transition process that meets the legitimate demands and aspirations of the Yemeni people for peaceful change and meaningful political, economic and social reform, as set out in the GCC Initiative and Implementation Mechanism and the outcomes of the comprehensive National Dialogue Conference, *welcoming* Yemen's efforts to strengthen women's participation in political and public life, including through measures to ensure at least 30 per cent women candidates for national legislative elections and elected councils,

Further recalling its resolutions 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012) on Children and Armed Conflict and its resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013) on Women, Peace and Security,

Recognizing that the transition process requires turning the page from the presidency of Ali Abdullah Saleh, and welcoming the involvement and cooperation of all stakeholders in Yemen, including groups that were not party to the GCC Initiative and its Implementation Mechanism,

Reiterating the need for comprehensive, independent and impartial investigations consistent with international standards into alleged human rights violations and abuses in line with the outcomes of the comprehensive National Dialogue Conference, the GCC Initiative, and the Implementation Mechanism, to ensure full accountability,

Recognizing the importance of governance reforms to the political transition in Yemen, *noting* in this regard the proposals in the National Dialogue Conference's Good Governance Working Group report, including, among other things, prerequisites for candidates for Yemeni leadership positions and the disclosure of their financial assets,

Recalling its resolution 2117 (2013) and expressing grave concern at the threat to peace and security in Yemen arising from the illicit transfer, destabilising accumulation and misuse of small arms and light weapons,

Emphasizing the need for continued progress in the implementation of the GCC Initiative and Implementation Mechanism to avoid further deterioration of the humanitarian and security situation in Yemen,

Noting with appreciation the work of the United Nations country team and agencies in Yemen,

Welcoming the efforts made by the Secretariat to expand and improve the roster of experts for the Security Council Subsidiary Organs Branch, bearing in mind the guidance provided by the Note of the President (S/2006/997),

Determining that the situation in Yemen constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the need for the full and timely implementation of the political transition following the comprehensive National Dialogue Conference, in line with the GCC Initiative and Implementation Mechanism, and in accordance with resolution 2014 (2011) and 2051 (2012), and with regard to the expectations of the Yemeni people;

Implementation of Political Transition

2. *Welcomes* the recent progress made in the political transition of Yemen and expresses strong support for completing the next steps of the transition, in line with the Implementation Mechanism, including:

(a) drafting a new constitution in Yemen;

(b) electoral reform including the drafting and adoption of a new electoral law consistent with the new Constitution;

(c) the holding of a referendum on the draft constitution, including suitable outreach;

(d) state structure reform to prepare Yemen for the transition from a unitary to a federal state; and

(e) timely general elections, after which the current term of President Hadi would end following the inauguration of the President elected under the new Constitution;

3. *Encourages* all constituencies in the country, including the youth movements, women's groups, in all regions in Yemen, to continue their active and constructive engagement in the political transition and to continue the spirit of consensus to implement the subsequent steps in the transition process and the recommendations of the National Dialogue Conference, and calls upon the Hiraak Southern movement, the Houthi movement and others to constructively partake and to reject the use of violence to achieve political aims;

4. *Welcomes* the Yemeni Government's plan to introduce an Asset Recovery Law, and supports international cooperation on this, including through the Deauville initiative;

5. *Expresses concern* over use of the media to incite violence and frustrate the legitimate aspirations for peaceful change of the people of Yemen;

6. *Looks forward* to steps by the Government of Yemen, towards the implementation of Republican Decree No. 140 of 2012, which establishes a committee to investigate allegations of violations of human rights in 2011 and which

states that investigations shall be transparent and independent and adhere to international standards, in accordance with Human Rights Council resolution 19/29, and invites the Government of Yemen to provide soon a time frame for the early appointment of members of that committee;

7. *Expresses* its concern that children continue to be recruited and used in violation of applicable international law by armed groups, and the Yemeni Government forces, and calls for continued national efforts to end and prevent the recruitment and use of children, including through the signing and implementation by the Yemeni Government of the action plan to halt and prevent the recruitment and use of children in the government forces of Yemen, in line with the Security Council resolutions 1612 (2005), 1882 (2009) and 1998 (2011), and *urges* armed groups to allow the United Nations personnel safe and unhindered access to territories under their control for monitoring and reporting purposes;

8. *Also looks forward* to the early adoption of a law on transitional justice and national reconciliation that, while taking into account the recommendations of the National Dialogue Conference, is in accordance with the international obligations and commitments of Yemen and following best practices as appropriate;

9. *Calls* on all parties to comply with their obligations under international law including applicable international humanitarian law and human rights law;

Further Measures

10. *Emphasizes* that the transition agreed upon by the parties to the GCC Initiative and Implementation Mechanism Agreement has not yet been fully achieved and *calls* upon all Yemenis to fully respect the implementation of the political transition and adhere to the values of the Implementation Mechanism Agreement;

11. *Decides* that all Member States shall, for an initial period of one year from the date of the adoption of this resolution, freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee established pursuant to paragraph 19 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and *decides further* that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities designated by the Committee;

12. *Decides* that the measures imposed by paragraph 11 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds,

other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee;

(c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee, and has been notified by the relevant State or Member States to the Committee;

13. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 11 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

14. *Decides* that the measures in paragraph 11 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 11 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization;

Travel ban

15. *Decides* that, for an initial period of one year from the date of the adoption of this resolution, all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee established pursuant to paragraph 19 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

16. *Decides* that the measures imposed by paragraph 15 above shall not apply:

(a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where entry or transit is necessary for the fulfilment of a judicial process;

(c) Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in Yemen; and

(d) Where a State determines on a case-by-case basis that such entry or transit is required to advance peace and stability in Yemen and the States subsequently notifies the Committee within forty-eight hours after making such a determination;

Designation Criteria

17. *Decides* that the provisions of paragraphs 11 and 15 shall apply to individuals or entities designated by the Committee as engaging in or providing support for acts that threaten the peace, security or stability of Yemen;

18. *Underscores* that such acts as described in paragraph 17 above may include, but are not limited to:

(a) Obstructing or undermining the successful completion of the political transition, as outlined in the GCC Initiative and Implementation Mechanism Agreement;

(b) Impeding the implementation of the outcomes of the final report of the comprehensive National Dialogue Conference through violence, or attacks on essential infrastructure; or

(c) Planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Yemen;

Sanctions Committee

19. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein "the Committee"), to undertake to following tasks:

(a) To monitor implementation of the measures imposed in paragraph 11 and 15 above with a view to strengthening, facilitating and improving implementation of these measures by Member States;

(b) To seek and review information regarding those individuals and entities who may be engaging in the acts described in paragraph 17 and 18 above;

(c) To designate individuals and entities to be subject to the measures imposed in paragraphs 11 and 15 above;

(d) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

(e) To report within 60 days to the Security Council on its work and thereafter to report as deemed necessary by the Committee;

(f) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

(g) To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed;

(h) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in paragraphs 11 and 15;

20. *Directs* the Committee to cooperate with other relevant Security Council Sanctions Committees, in particular the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and Associated Individuals and Entities;

Reporting

21. *Requests* the Secretary-General to create for an initial period of 13 months, in consultation with the Committee, and to make the necessary financial and security arrangements to support the work of the Panel, a group of up to four experts ("Panel of Experts"), under the direction of the Committee to carry out the following tasks:

(a) Assist the Committee in carrying out its mandate as specified in this resolution, including through providing the Committee at any time with information relevant to the potential designation at a later stage of individuals and entities who may be engaging in the activities described in paragraph 17 and 18 above;

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organisations and other interested parties regarding the implementation of the measures decided in this resolution, in particular incidents of undermining the political transition;

(c) Provide to the Council, after discussion with the Committee, an update no later than 25 June 2014, an interim report by 25 September 2014, and a final report no later than 25 February 2015; and

(d) To assist the Committee in refining and updating information on the list of individuals subject to measures imposed pursuant to paragraphs 11 and 15 of this resolution, including through the provision of identifying information and additional information for the publicly-available narrative summary of reasons for listing;

22. *Directs* the Panel to cooperate with other relevant expert groups established by the Security Council to support the work of its Sanctions Committees, in particular the Analytical Support and Sanctions Monitoring Team established by resolution 1526 (2004);

23. *Urges* all parties and all Member States, as well as international, regional and subregional organizations to ensure cooperation with the Panel of experts and further urges all Member States involved to ensure the safety of the members of the Panel of experts and unhindered access, in particular to persons, documents and sites in order for the Panel of experts to execute its mandate;

Commitment to Review

24. *Affirms* that it shall keep the situation in Yemen under continuous review and that it shall be prepared to review the appropriateness of the measures contained in this resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at any time in light of developments;

Economic Reform and Development Assistance to Support the Transition

25. *Calls* upon donors and regional organisations to fully disburse the pledges made at the Riyadh Donor conference in September 2012 to fund the priorities set out in the Mutual Accountability Framework agreed in Riyadh; and encourages donors with undisbursed pledges to work closely with the Executive Bureau to identify priority projects for support, taking into account the security conditions on the ground;

26. *Emphasizes* the importance of Government of National Unity taking action to implement the urgent policy reforms set out in the Mutual Accountability Framework; and encourages donors to provide technical assistance to help drive forward these reforms, including through the Executive Bureau;

27. *Expresses* its concern over reported serious human rights abuses and violence against civilians in both the Northern and Southern Governorates, including Al Dhale'e Governorate, *urges* all parties involved to end the conflicts and comply with their obligations under applicable international humanitarian and human rights law, and *stresses* the need for parties to take all required measures to avoid civilian casualties, respect and protect the civilian population;

28. *Encourages* the international community to continue providing humanitarian assistance to Yemen and *calls* for the full funding of the 2014 Strategic Response Plan for Yemen, and in this regard requests all parties in Yemen to facilitate safe and unhindered humanitarian access to ensure the delivery of assistance to all populations in need and *calls* on all parties to take necessary steps to ensure the safety and security of humanitarian personnel and of the United Nations and its associated personnel and their assets;

29. *Condemns* the growing number of attacks carried out or sponsored by Al-Qaida in the Arabian Peninsula, and expresses its determination to address this threat in accordance with the Charter of the United Nations and international law including applicable human rights, refugee and humanitarian law, and in this regard, through the Al-Qaida sanctions regime administered by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) and *reiterates its readiness*, under the above-mentioned regime, to sanction further individuals, groups, undertakings and entities who do not cut off all ties to Al-Qaida and associated groups;

30. *Calls for* continued national efforts to address the threat posed by all weapons, including explosive weapons and small arms and light weapons, to stability and security in Yemen, including inter alia through ensuring the safe and effective management, storage and security of their stockpiles of small arms and light weapons and explosive weapons, and the collection and/or destruction of explosive remnants of war and surplus, seized, unmarked, or illicitly held weapons and ammunition, and *further stresses* the importance of incorporating such elements into security sector reform;

31. *Acknowledges* the serious economic, political and security obstacles facing refugees and internally displaced persons in Yemen who wish to return to their homes after years of conflict, and *supports* and encourages the efforts of the Government of Yemen and the international community to facilitate their return;

United Nations involvement

32. *Requests* the Secretary-General to continue his good offices role, *notes* with appreciation the work Special Adviser, Jamal Benomar, *stresses* the importance of their close co-ordination with international partners, including the GCC, Group of Ambassadors, and other actors, in order to contribute to the successful transition, and in this regard *further* requests the Secretary-General to continue to coordinate assistance from the international community in support of the transition;

33. *Requests* the Secretary-General to continue to report on developments in Yemen, including on the implementation of the outcome of the comprehensive National Dialogue Conference every 60 days;

34. *Decides* to remain actively seized of the matter.